

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL COWAN METCALF,

Defendant.

CR 23-103-BLG-SPW

ORDER

Before the Court is the United States of America's Motion in Limine. (Doc. 42). The Government moves to exclude argument or evidence regarding the constitutionality of 18 U.S.C. § 922(q)(2)(A) and any argument or evidence amounting to a defense of entrapment by estoppel. (*Id.*). Metcalf opposes the motion but did not respond. (*See id.*).

First, the Court grants the Government's motion as to the constitutionality of 18 U.S.C. § 922(q)(2)(A). It addressed this question in a previous order and found § 922(q)(2)(A) constitutional. (Doc. 39). Metcalf is not entitled to a second opinion on this issue by the jury.

Second, the Court reserves ruling on the Government's motion to preclude Metcalf from making an entrapment by estoppel defense or presenting evidence amounting to an entrapment by estoppel defense. Metcalf has not indicated that he

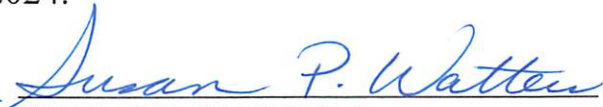
will make such a defense, and the evidence currently before the Court is insufficient for the Court to make a ruling.

Accordingly, IT IS SO ORDERED:

(1) The United States of America's Motion in Limine (Doc. 42) is GRANTED as to argument or evidence of the constitutionality of 18 U.S.C. § 922(q)(2)(A).

(2) The Court RESERVES ruling on the defense of entrapment by estoppel or any argument or evidence amounting to such defense.

DATED this 26th day of February, 2024.


SUSAN P. WATTERS
United States District Judge